

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama State Board of Auctioneers

Rule No.: Appendices II

Rule Title: Forms

X New _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? Yes

Is there another, less restrictive method of regulation Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? No

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer [Handwritten Signature]

Date: November 18, 2015

(DATE FILED)
(STAMP)

Alabama State Board of Auctioneers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Auctioneers

RULE NO. & TITLE: Chapter 1 Appendix A Forms

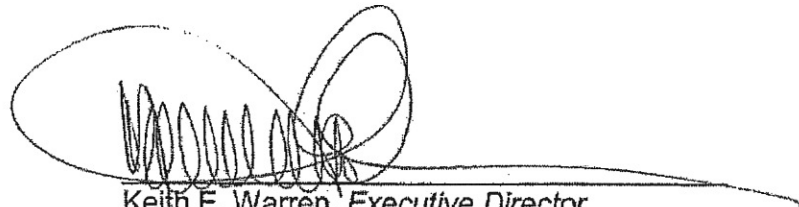
INTENDED ACTION: New Forms

SUBSTANCE OF PROPOSED ACTION: The Board proposes affidavits for the principal auctioneer and the owner of auction companies to ensure each party understands the requirements of their responsibilities in the operation of an auction company.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Friday, January 4, 2016. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@alstateboard.com or via telephone at 334-420-7235.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, January 4, 2016.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7235



Keith E. Warren, *Executive Director*
Alabama State Board of Auctioneers

AUCTION COMPANY OWNER'S AFFIDAVIT

As Owner of _____ (the "Company"), I hereby certify my acceptance of and compliance with the following regulations governing the conducting of auction business on behalf of the Company:

1. I understand that every company conducting auction business in the state of Alabama is required to have a Principal Auctioneer.
2. I understand that the Principal Auctioneer must be licensed as an Auctioneer in the state of Alabama and that his/her license must be in good standing with the Alabama State Board of Auctioneers. I understand that the Principal Auctioneer must also be an officer of the Company. I have provided a copy of the Company's official meeting minutes, resolution or other official action evidencing the Principal Auctioneer's election to that corporate office or his/her stated position in the Company.
3. I understand that if I am an Apprentice Auctioneer, I do not qualify to serve as the Company's Principal Auctioneer, even if I am the Company's owner. Only a duly licensed Auctioneer may serve as the Principal Auctioneer for an auction company.
4. I understand that if I am the sole owner and operator of the Company and a licensed Auctioneer in the state of Alabama, I am exempt from the requirement to obtain a separate auction company license, but I must still submit a completed auction company application form to the Alabama State Board of Auctioneers for its records. I do not have to submit an application or licensure fee for the auction company license if I am the sole owner and operator of the Company and a duly licensed Auctioneer in the state of Alabama.
5. I understand that the Principal Auctioneer is responsible for all the auction activities conducted on behalf of the Company. I understand that the Company may also have other officers and/or employees who are licensed Auctioneers and conduct auction business on behalf of the Company. I understand and acknowledge that only Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
6. I understand that only a licensed Auctioneer may offer, negotiate, or attempt to negotiate a contract for the sale of any goods or property, including real property, by means of public auction on behalf of the Company. I understand that it is a violation of Alabama law if an Auctioneer fails to enter into a written contract with the owner or cosignee of any property to be sold at public auction containing the terms and conditions on which the Auctioneer received the property for sale.
7. I understand that only a licensed Auctioneer may cry bids for any public auction held by the Company. I understand that once the Company obtains its auction company license, it may contract with other licensed Auctioneers to cry bids for the Company.
8. I understand that any Company advertisement for an auction sale must clearly and conspicuously identify the Principal Auctioneer's name and state license number, together with the name and state license number of any other Auctioneer responsible for the auction. In addition, Internet advertisements for specific auctions with online-bidding must also list the name and state license number of the Company's Principal Auctioneer.
9. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's or the Principal Auctioneer's escrow account, as applicable.
10. I understand that as the Company's owner, I may keep account of and disperse any and all monies from the Company's or the Principal Auctioneer's escrow account, on terms agreed to by me, as the owner, and the Principal Auctioneer.
11. I understand that the Company and the Principal Auctioneer are both responsible to notify the Alabama State Board of Auctioneers if there is a change in the Company's Principal Auctioneer. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.

12. I acknowledge and understand that my failure to abide by these requirements and any other applicable laws or Board rules may result in disciplinary action being taken against me, including, but not limited to, the suspension or revocation of my Company's auction license.

I hereby certify that I have read the Company's application in its entirety before signing this Affidavit and that, to the best of my knowledge, all of the information contained therein is true and correct. If asked to do so, I agree to appear in person before the Alabama State Board of Auctioneers in connection with the application.

Name of Owner

License # (if applicable)

Business Name and Address

City, State, Zip

Phone/Fax

Email Address

Signature of Owner

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public

My Commission Expires

(Notary Seal)

PRINCIPAL AUCTIONEER'S AFFIDAVIT

As Principal Auctioneer for _____ (the "Company"),
I hereby certify my acceptance of and compliance with the following regulations governing
the conducting of auction business on behalf of the Company:

1. I understand that every company conducting auction business in the state of Alabama is required to have a Principal Auctioneer.
2. I hereby certify that I am licensed as an Auctioneer in the state of Alabama and that my license is currently in good standing with the Alabama State Board of Auctioneers.
3. I understand that if I am an Apprentice Auctioneer, I do not qualify to serve as the Company's Principal Auctioneer, even if I am the Company's owner. Only a duly licensed Auctioneer may serve as the Principal Auctioneer for an auction company.
4. I also certify that I am an officer of the Company. My position with the Company is _____ . I have provided a copy of the Company's official meeting minutes, resolution or other official action evidencing my election to that corporate office or my stated position in the Company.
5. I understand that if I am the sole owner and operator of the Company, I am exempt from the requirement to obtain a separate auction company license, but I must still submit a completed auction company application form to the Alabama State Board of Auctioneers for its records. I do not have to submit an application or licensure fee for the auction company license if I am the sole owner and operator of the Company.
6. I understand that as the Principal Auctioneer, I am responsible for all the auction activities conducted on behalf of the Company. I understand that the Company may also have other officers and/or employees who are licensed Auctioneers and who conduct auction business on behalf of the Company. I understand and acknowledge that only Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
7. I understand that only a licensed Auctioneer may offer, negotiate, or attempt to negotiate a contract for the sale of any goods or property, including real property, by means of public auction on behalf of the Company. I understand that it is a violation of Alabama law if an Auctioneer fails to enter into a written contract with the owner or cosignee of any property to be sold at public auction containing the terms and conditions on which the Auctioneer received the property for sale.
8. I understand that only a licensed Auctioneer may cry bids for any public auction held by the Company. I understand that once the Company obtains its auction company license, it may contract with other licensed Auctioneers to cry bids for the Company.
9. I understand that any Company advertisement for an auction sale must clearly and conspicuously identify my name and state license number, as the Principal Auctioneer, together with the name and state license number of any other Auctioneer responsible for the auction. In addition, Internet advertisements for specific auctions with online-bidding must also list my name and state license number as the Company's Principal Auctioneer.
10. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's or the Principal Auctioneer's escrow account, as applicable.
11. I understand that the Company's owner may keep account of and disperse any and all monies from the Company's or the Principal Auctioneer's escrow account, on terms agreed to by the owner and the Principal Auctioneer.
12. I understand that I and the Company are both responsible to notify the Alabama State Board of Auctioneers if I am no longer serving as the Company's Principal Auctioneer. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.

13. I acknowledge and understand that my failure to abide by these requirements and any other applicable laws or Board rules may result in disciplinary action being taken against me, including, but not limited to, the suspension or revocation of my Auctioneer license.

I hereby certify that I have read the Company's application in its entirety before signing this Affidavit and that, to the best of my knowledge, all of the information contained therein is true and correct. If asked to do so, I agree to appear in person before the Alabama State Board of Auctioneers in connection with the application.

Name of Principal Auctioneer

License #

Business Name and Address

City, State, Zip

Phone/Fax

Email Address

Signature of Principal Auctioneer

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public
My Commission Expires _____

(Notary Seal)